

**ENTERED**

January 12, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. H-15-CR-617
	§	
ERNESTO HERNANDEZ-MONTEMAYOR	§	

**ORDER AMENDING PRELIMINARY ORDER OF FORFEITURE TO INCLUDE  
SUBSTITUTE ASSETS**

The Court entered a Preliminary Order of Forfeiture imposing a money judgment against the Defendant in the amount of \$2,026,308.67. In his plea agreement, Defendant admitted that one or more of the conditions of 21 U.S.C. § 853(p) exists, and he agreed to forfeit any of his property, or his interest in property, up to the value of any unpaid portion of the money judgment until the money judgment is fully satisfied. Defendant further agrees to the forfeiture of the properties listed below as substitute assets in partial satisfaction of the money judgment. Accordingly, it is ORDERED that:

1. The Preliminary Order of Forfeiture is amended to include the following properties:
  - a. The real property, including all improvements and appurtenances, located at 34 N. Longford Circle, The Woodlands, Texas 77382 and legally described as:  
  
Lot 22, in Block 1, of the Woodlands, Village of Sterling Ridge, Section Twelve (12), a subdivision in Montgomery County, Texas, according to the map or plat thereof recorded in Cabinet Q, Sheet 177 of the Map Records of Montgomery County, Texas

- b. A 1978 Cessna Citation Model 501 aircraft (serial number 501-0072) bearing U.S. registration number N17HA, together with all engines, appurtenances, appliances, parts, avionics, instruments, components, accessions, furnishings, loose equipment, engine covers, tool kits, spares, and other equipment of whatever nature incorporated in, attached to, or associated with the aircraft and the foregoing and all documents and records relating to or required to be maintained with respect to the aircraft; and
- c. A Mercedes-Benz M-Class automobile (VIN 4JGDA5HB2CA034999).

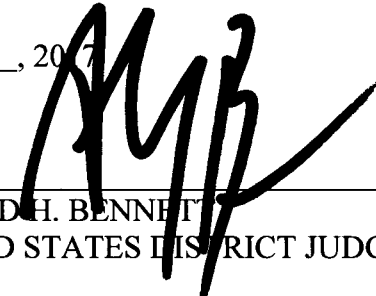
2. The properties listed above are forfeited to the United States of America as substitute assets under 21 U.S.C. § 853(p) and Fed. R. Crim. P. 32.2(e) and in partial satisfaction of the money judgment imposed against Defendant.

3. The United States may seize the assets listed above in Paragraph (1) and commence further proceedings in accordance with Fed. R. Crim. P. 32.2 and 21 U.S.C. § 853(n).

4. The United States of America shall publish notice of this forfeiture order and shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture of the property in an ancillary proceeding. Any person, other than the defendant, asserting a legal interest in the property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing to adjudicate the validity of his/her alleged interest in the property pursuant to 21 U.S.C. § 853(n). The petition shall be filed with the United States District Clerk, located at United States Courthouse, 515 Rusk, Houston, Texas 77002. A copy of the petition shall be sent to Lori Roth, Assistant United States Attorney, 1000 Louisiana, Suite 2300, Houston, Texas 77002; and


5. Upon the entry of a final order of forfeiture (following the resolution of any third-party petitions), the United States shall credit against the forfeiture money judgment any net sales proceeds realized from any sales of the forfeited properties.

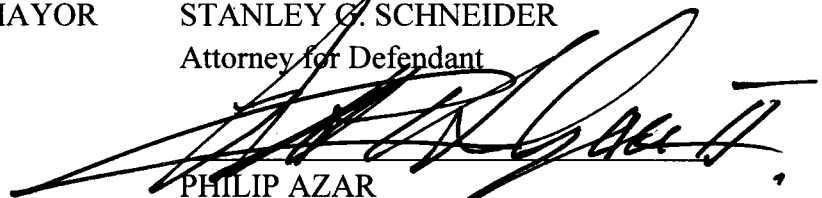
Signed at Houston, Texas, on 1/12/, 2017

  
\_\_\_\_\_  
ALFRED H. BENNETT  
UNITED STATES DISTRICT JUDGE

AGREED TO IN FORM AND SUBSTANCE:


  
\_\_\_\_\_  
ERNESTO HERNANDEZ-MONTEMAYOR  
Defendant


  
\_\_\_\_\_  
STANLEY G. SCHNEIDER  
Attorney for Defendant

  
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PHILIP AZAR  
Attorney for Defendant

ANDREW WEISSMANN  
CHIEF, FRAUD SECTION  
CRIMINAL DIVISION

KENNETH MAGIDSON  
UNITED STATES ATTORNEY  
SOUTHERN DISTRICT OF TEXAS

  
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